

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GERARD TRAVERS, on behalf of himself
and all others similarly situated,

Plaintiff,

-vs.-

FEDEX CORPORATION
3610 Hacks Cross Road
Memphis, Tennessee 38125,

Defendant.

Case No. 19-cv-6106-MAK

AFFIDAVIT OF PETER ROMER-FRIEDMAN, ESQUIRE

I, Peter Romer-Friedman, Esquire, do hereby declare as follows:

1. I am over 18 years of age, am fully familiar with the facts and circumstances hereinafter set forth, and I make this affidavit in support of the motion for my admission *pro hac vice* in this matter as counsel for Plaintiff.

2. I am an attorney in good standing and an active member of the New York Bar having been admitted to said Bar on January 1, 2008. My New York Bar identification number is 4525580.

3. I am also an attorney in good standing and an active member of the District of Columbia Bar having been admitted to said Bar on March 5, 2010. My District of Columbia Bar identification number is 993376.

4. In addition to the foregoing state court bars, I have also been admitted to the bars of the following federal courts:

United States Supreme Court
Admitted – March 27, 2017

United States Court of Appeals for the District of Columbia Circuit
Admitted January 15, 2015

United States Court of Appeals for the Sixth Circuit
Admitted – April 1, 2016

United States Court of Appeals for the Seventh Circuit
Admitted – August 9, 2019

United States Court of Appeals for the Ninth Circuit
Admitted – December 9, 2014

United States Court of Appeals for the Federal Circuit
Admitted – September 26, 2016

United States District Court for the District of Columbia
Admitted – April 12, 2010

United States District Court for the Eastern District of New York
Admitted – April 1, 2013

United States District Court for the Southern District of New York
Admitted – April 1, 2013

United States District Court for the Northern District of Illinois
Admitted – October 23, 2013

United States District Court for the District of Colorado
Admitted – June 13, 2012

I am an active member in good standing of each of the above-referenced federal court bars as well.

5. I have never been suspended from the practice of law in any jurisdiction or received any public reprimand by the highest disciplinary authority of any bar to which I have been admitted.

6. I have read the most recent edition of the Pennsylvania Rules of Professional Conduct and the Local Rules of this Court and agree to be bound by both sets of Rules for the duration of the above-captioned civil action.

7. If I am admitted to practice before this court in this matter *pro hac vice*, I will in good faith continue to advise counsel who moved for the *pro hac vice* admission of the current status of the case for which *pro hac vice* status has been granted and of all material developments in the case.

8. I am a principal and head of the civil rights and class actions practice at Gupta Wessler PLLC in Washington, DC.

9. I regularly represent employees in cases challenging discrimination based on military service or status, sex, sexual orientation, age, race, and disability.

10. Since 2009, I have served as lead or co-lead counsel in actions that secured more than \$1.4 billion in monetary relief and important programmatic changes to governmental and corporate institutions, including one of the largest reported settlements in the history of the Equal Credit Opportunity Act, two of the largest reported settlements in the history of the Fair Housing Act, and five of the largest reported settlements in the history of the Uniformed Services Employment & Reemployment Rights Act (“USERRA”). Some of my representative matters include the following:

Servicemembers and Veterans Rights Cases

- ***Huntsman v. Southwest Airlines Co., No. 17 Civ. 3872 (N.D. Cal.)*** – Obtained USERRA settlement estimated to be worth up to \$19 million for up to 2,000 Southwest Airlines pilots who were denied pension and sick leave benefits between 2001 and 2018.
- ***Hall v. L-3 Communications, No. 15 Civ. 231 (E.D. Wash.)*** – Obtained the first class settlement of a USERRA hiring bias pattern-or-practice case, with each class member getting over \$28,000 from a \$2 million settlement fund and the defense contractor making pro-reservist reforms to its hiring and leave policies.
- ***Tuten v. United Air Lines, Inc., No. 12 Civ. 01561 (D. Colo.)*** – Obtained a \$6.15 million settlement for 1,200 United pilots in a USERRA action that challenged the failure to make the proper pension contributions during periods of military leave from 2001 to 2012, with all Class Members receiving at least 100% of their potential lost benefits.

- ***Martin v. Washington*, No. 14-2-00016-7 (Wash. Super. Ct.)** – Obtained a settlement worth about \$15 million in wages and pension benefits for 878 Washington State Patrol Troopers denied veterans’ preferences in hiring and promotions over several decades.
- ***Allman v. American Airlines, Inc. Pilot Retirement Program Variable Income Plan*, No. 14 Civ. 10138 (D. Mass.)** – Obtained about \$6.5 million settlement for over 1,200 American Airlines pilots in a USERRA / ERISA action challenging the failure to make the proper pension contributions during periods of military leave from 1997 to 2011, with all Class Members received at least 100% of their potential lost benefits.
- ***Cunningham v. Federal Express Corp.*, No. 17 Civ. 845 (M.D. Tenn.)** – Obtained a class settlement for over 4,000 reservists who claimed they were denied proper pension credit for periods of military leave from 1996 to 2008, providing benefits to the Class worth at least several million dollars and all Class Members receiving at least 100% of their potential lost pension benefits.
- ***Hill v. U.S. Postal Service*, No. 4H310009104 (EEOC Federal Sector)** – Obtained an \$11 million settlement in a nationwide class action challenging the Postal Service’s pre-offer medical inquiries that violated the Rehabilitation Act.
- ***Podliska v. House Benghazi Committee and Rep. Trey Gowdy*, No. 15 Civ. 2037 (D.D.C.)** – Obtained a settlement for a former investigator of the House Benghazi Committee who alleged that he was terminated in violation of USERRA due to his military service, which the *Washington Post* reported as one of the largest discrimination settlements with a House of Representative office.
- ***Savage v. Federal Express*, 856 F.3d 440 (6th Cir. 2017)** – Briefed and argued a successful appeal in one of the first appellate decisions on the formula that employers must apply to determine the pension or retirement benefits of reservists who take military leave, and later obtained a settlement of the case.
- ***Quick v. Frontier Airlines*, No. 15 Civ. 765 (D. Colo.)** – Obtained confidential settlement of litigation in which an Army reservist and commercial pilot claimed he was denied reemployment and other rights and benefits under USERRA.

Other Civil Rights and Employment Cases

- ***Mobley v. Facebook, Inc.*, No. 16 Civ. 06440 (N.D. Cal.), *Communications Workers of America v. Facebook* (EEOC), *Spees v. Facebook* (EEOC)** – Negotiated groundbreaking settlements of three class cases challenging discrimination on Facebook’s ad platform in jobs, housing, and credit based on age, gender, race, and national origin, with Facebook agreeing to make far reaching changes to its ad platform to prevent discrimination, including creating a special mandatory portal for the creation of job, housing, and credit ads without discriminatory filtering options.
- ***Cote v. Wal-Mart Stores, Inc.*, No. 15 Civ. 12945 (D. Mass.)** – Obtained a \$7.5 million settlement on behalf of a class of current and former Wal-Mart employees who challenged Wal-Mart’s prior policy of not providing spousal health insurance benefits to employees

with same-sex spouses as a Title VII violation, with all Class Members who submitted claim forms receiving payments that were at least several times the value of the health insurance benefits they were denied over a three-year period.

- ***Levs v. CNN and Turner Broadcasting*, No. 410-2014-00427 (EEOC)** – Obtained a settlement in an action that challenged the amount of paid parental leave biological fathers were given by CNN and Turner Broadcasting as a violation of Title VII’s sex discrimination ban.
- ***Rotondo v. JPMorgan Chase*, No. 19 Civ. 2328 (S.D. Ohio)** – Obtained the first class action settlement of a case in which fathers claimed gender discrimination based on the denial of parental leave to fathers, with Chase paying \$5 million to settle with over 1,000 fathers and modifying its policy to make it fully gender neutral.
- ***Freedom to Work v. Exxon*, No. 2013SN35023 (Ill. Dept. Hum. Rights)** – Represented a civil rights group that used paired employment testing to reveal Exxon’s alleged bias against LGBTQ applicants and obtained a cause finding from the Illinois Department of Human Rights in favor of the civil rights group.
- ***Dukes v. Walmart Stores, Inc.*, No. C 01-2252 (N.D. Cal.)**– Defeated Walmart’s attempt to dismiss and strike the largest gender discrimination class action in U.S. history following the Supreme Court’s denial of class certification in 2011.
- ***Keepseagle v. U.S. Dept. of Agriculture*, No. 99 Civ. 03119 (D.D.C.)** – Obtained a \$760 million settlement for Native American farmers and ranchers who were denied farm loans by the Department of Agriculture from 1981 to 1999, as well as far-reaching programmatic relief.
- ***Greater New Orleans Fair Housing Action Center v. U.S. Department of Housing and Urban Development*, No. 08 Civ. 01938 (D.D.C.)** – Obtained \$469 million of voluntary reforms in response to the lawsuit and negotiated a \$62 million settlement in a Fair Housing Act class action challenging racial discrimination in the nation’s largest housing rebuilding program in post-Katrina New Orleans.
- ***National Fair Housing Alliance v. Wells Fargo & Co.*, No. 09-12-0708-8 (HUD)** – Obtained a \$42 million settlement with Wells Fargo in a Fair Housing Act action brought by 13 fair housing groups challenging the failure to properly maintain and market foreclosed properties in predominantly black and Latino communities nationally.
- ***Equal Rights Center v. Equity Residential*, No. 06 Civ. 01060 CCB (D. Md.)** – Represented a local fair housing organization in massive accessibility fair housing lawsuit involving hundreds of properties, defeating summary judgment on organizational standing and winning summary judgment on the merits, which led to a landmark settlement.

- **Jolliff v. Uber Technologies, No. 16 Civ. 605 (E.D. Va.)** – Represented a blind woman who was denied access to an Uber because she was accompanied by a service animal in an ADA Title III action that settled confidentially.
- **Farmer v. Sweetgreen, Inc., No. 16 Civ. 2103 (S.D.N.Y.)** – Represented a putative class of blind persons who claimed a large restaurant chain had an inaccessible web site to order food in an action that settled with the chain making its web site accessible.

11. I have been selected as a Rising Star in the District of Columbia by Super Lawyers in 2014, 2015, 2016, 2017, 2018, and 2019, and as a Super Lawyer in 2020. On two occasions, I was a finalist for Public Justice’s Trial Lawyer of the Year Award: in 2011 for my work on *Keepseagle v. Vilsack*, and in 2018 for my work in *Cote v. Walmart*. In 2018 and 2019, I was recognized as one of the 500 Leading Plaintiff Employment Lawyers by Lawdragon.

12. Prior to joining Gupta Wessler in January 2020, I was a partner at Outten & Golden LLP, where I helped to open the firm’s Washington, DC office in 2016 and led litigation teams working on a broad range of civil rights issues in class and individual actions.

13. From 2015 to 2016, I served as the Deputy Director of Litigation of the Washington Lawyers’ Committee for Civil Rights and Urban Affairs. As the Deputy Director of Litigation, I litigated and supervised class and individual impact civil rights cases in a range of areas, including employment discrimination, fair housing, and public accommodations.

14. From 2009 to 2015, I served as an associate in Cohen Milstein Sellers & Toll PLLC’s Civil Rights and Employment Group, and collaborated regularly with the firm’s Employee Benefits Group on veterans’ rights litigation.

15. From 2007 to 2009, I served as labor counsel to the Senate Committee on Health Education Labor and Pensions (“HELP”) and its Chairman, Senator Edward M. Kennedy. Among my responsibilities as labor counsel, I served as the primary advisor to Chairman Kennedy and other members of the HELP Committee on USERRA issues, and I drafted several USERRA

reform proposals that were enacted by Congress and signed into law by the President. Since leaving the HELP Committee in 2009, I have regularly advised Senate and House Committees and members of Congress on labor, employment, civil rights, and veterans issues, and I am an active member of the National Employment Lawyers Association's federal legislative advocacy in Washington, DC.

16. From 2006 to 2007, I served as a law clerk to Judge Stephen Reinhardt of the U.S. Court of Appeals for the Ninth Circuit in Los Angeles. During law school, I was an extern to Judge Shira Scheindlin of the U.S. District Court for the Southern District of New York.

17. In 2006, I graduated from Columbia Law School, where I was a James Kent Scholar and a Harlan Fiske Stone Scholar. During law school, I served as a managing editor of the Columbia Journal of Law & Social Problems.

18. Prior to law school, I was a legislative representative and union organizer for the United Steelworkers and co-founded the Worker Rights Consortium, a non-profit organization that monitors labor rights in apparel factories worldwide.

19. In 2001, I earned my B.A. in economics from the University of Michigan at Ann Arbor, and was selected as a Truman Scholar by the Harry S. Truman Scholarship Foundation.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

DATED: March 4, 2020



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Attorney for Plaintiff

Dated: 03/05/2020

Sworn and subscribed before me

this 5th day of March 2020.

Abigail Ciparone
Notary Public



District of Columbia
Signed and Sworn to (or affirmed) before me on 03/05/2020 (Date)
by Peter Romer-Friedman
(Name(s) of Individual(s) Making Statement)
Signature of Notarial Officer: Abigail Ciparone
Title of Office: Legal Assistant
My Commission Expires: 9/30/2024